

Remarks

Applicants have reviewed the Office Action dated September 14, 2006. Claims 1-32 and 37-55 are withdrawn from further consideration and claims 33-36 have been rejected. Claim 33 has been amended, claim 34 cancelled, and claims 56 and 57 have been added with this Response.

Claim Amendments and Additions

Claim 33 has been amended and claims 56 and 57 have been added with this Response. Support for these amendments and new claims can be found, for example, in Figures 7-9 and the accompanying description of these Figures, for example in paragraph [0036] of the published application. No new matter has been added as a result of these claim amendments and additions.

Rejections under 35 U.S.C. §102

Claims 33, 34 and 36 are rejected under 35 U.S.C. §102(a) as being anticipated by Fogarty et al., EP No. 0 200 668 (hereinafter “Fogarty”). Applicants respectfully traverse this rejection. In order for a reference to anticipate a claim, each and every element of the claim must be present in the reference. See M.P.E.P. §2131.

Fogarty discloses an apparatus and method for dislodging and removing occlusive objects from body passages. As shown in Figures 2-6, a balloon catheter can apparently be placed near a captured occlusive object 10, and “then the catheter is retracted to roll the balloon along the inside of the vessel.” Column 2, lines 20-21. In other words, the inflated balloon apparently can roll against or around the occlusive object 10 in response to the catheter being pulled. See column 2, lines 21-24.

In contrast, claim 33 recites, in part, an expandable sleeve that is configured to unfold distally and intussuscept an intravascular device in response to being inflated. As mentioned above, Fogarty does not appear to disclose a sleeve that is configured to unfold distally and intussuscept an intravascular device in response to being inflated, as required by claim 33; rather, Fogarty discloses a balloon that, once inflated, can apparently roll against or around an occlusive object in response to the catheter being pulled. As such, Fogarty does not disclose the sleeve of claim 33, and this claim is

allowable over this reference. Because they are dependent on claim 33 and because they contain additional patentably distinct elements, Applicants also assert that claims 36, 56 and 57 are allowable over this reference.

Rejections under 35 U.S.C. §103

Claim 35 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fogarty in view of Hardwick (U.S. 4,469,100) (hereinafter “Hardwick”). Applicants respectfully traverse this rejection. In order for a combination of references to render a claim obvious, each and every element of that claim must be present in the prior art. See M.P.E.P. §2143.03. As mentioned above, Fogarty does not disclose all elements of claim 33. Specifically, Fogarty appears to be missing at least a system for retrieving a blood clot disposed at a target site within a blood vessel comprising, in part, an expandable sleeve that is configured to unfold distally and intussuscept an intravascular device in response to being inflated. In addition, Hardwick does not disclose the subject matter of claim 33 that is missing from Fogarty. Hardwick describes the operation of the balloon catheter shown in Figure 7 as follows:

Due to the flexibility of balloon 16, withdrawal of catheter 10 will result in the outer surface of the balloon, which is being held by pressure against the ureteral wall, to remain stationary and the distal end of balloon 16 will begin to intussusceptate as indicated by arrows D. Similarly, the reentrant portion 11 will begin roll outward and therefore shorten. Pressure P is maintained in balloon 16 during this phase by means of a cutoff valve to lumen 14A or by manipulating the source of pressure appropriately. (emphasis added)

From this quotation, it appears as though Hardwick discloses an inflated balloon that intussuscepts in response to withdrawal of the catheter. Hardwick does not disclose an expandable sleeve that is configured to unfold distally and intussuscept an intravascular device in response to being inflated. Because the combination of Fogarty and Hardwick is missing at least this element of independent claim 33, Applicants assert that dependent claim 35 is allowable over these references. Because it is dependent on claim 35 and because it recites additional patentably distinct elements, Applicants assert that claim 57 is also allowable over these references.

Further, it was asserted in the Office Action that Hardwick discloses an expandable sleeve that is configured to unfold distally along an adhesive layer disposed

about a portion of the elongated shaft, as recited in claim 35. Applicants respectfully disagree that Hardwick discloses such a sleeve. The adhesive layer that is referred to in the Office Action is apparently along the portion indicated by reference number 19 in Hardwick. In referring to the area marked by reference number 19, Hardwick states: "The upper end of the tubular balloon 16 is formed by folding the end inward and attaching to the outer periphery of catheter 10 at which point the end is secured thereto by a suitable adhesive, cement or other method of fusing or bonding as indicted at 19." Column 4, lines 42-46. This appears to simply be the distal attachment point of the tubular balloon 16.

In contrast, claim 35 recites, among other elements, an expandable sleeve that is configured to unfold distally along an adhesive layer disposed about a portion of the elongated shaft. Several examples of such a structure are described in the current application. For example, in paragraphs [0036], [0042] and [0044], a balloon is described as unfolding from an adhesive layer 58 when the radial force from the balloon exceeds the bonding force of the adhesive layer 58. Hardwick does not appear to disclose such a relationship between an expandable sleeve and an adhesive layer. In fact, if the balloon 16 of Hardwick unfolded along the adhesive layer in the portion indicated at 19 in Figure 1, it appears as though the distal end of the balloon 16 would simply become unattached from the catheter 10. Hardwick does not appear to disclose such a scenario, and as such Hardwick does not disclose an expandable sleeve that is configured to unfold distally along an adhesive layer disposed about a portion of the elongated shaft, as required by claim 35. For at least this additional reason, Applicants assert that claim 35 is allowable over the Fogarty and Hardwick references. Because it is dependent on claim 35 and because it recites additional patentably distinct elements, Applicants assert that claim 57 is also allowable over these references.

Conclusion

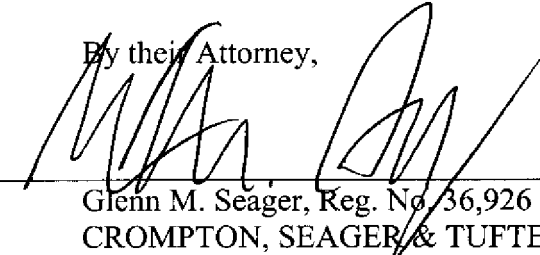
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

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